

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>General Administration</u> STATEMENT NUMBER <u>1.13</u>
SUBJECT: PUBLIC INFORMATION POLICY PROPONENT: Jeff Lyons, Public Info Officer <div style="border-bottom: 1px solid black; margin: 2px 0;"><i>Name/Title</i></div> <div style="display: flex; justify-content: space-between;">Commissioner's Office 271-5602</div> <div style="display: flex; justify-content: space-between;"><i>Division</i> <i>Phone #</i></div>	EFFECTIVE DATE <u>07/15/06</u> REVIEW DATE <u>04/15/07</u> SUPERCEDES PPD# <u>1.13</u> DATED <u>04/15/05</u>
ISSUING OFFICER: <div style="border-bottom: 1px solid black; margin-top: 10px;"><i>William Wrenn, Commissioner</i></div>	DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: _____ YES: _____ NO: _____
REFERENCE NO: See reference section on last page of PPD.	

- I. PURPOSE:
To encourage interaction with the public, news media and other government and law enforcement agencies.
- II. APPLICABILITY:
To all staff.
- III. POLICY:
It is the policy of the Department of Corrections to:
- A. Have a public information policy that is reviewed annually.
 - B. Provide prompt, courteous and factual responses to inquiries that do not compromise the security of the department or the privacy of any individual under supervision or control of the department.
 - C. Inform other components of the criminal justice system of the extent and availability of services and programs offered by the department.
 - D. Provide a continuing, planned program of public information and education as to the role of Corrections.
 - E. Grant representatives of the media reasonable access to both inmates and agency facilities, consistent with the preservation of the inmates' privacy and the maintenance of order and security in the facilities. Media requests for on-site interviews and the inmate's consent must be in writing.
 - F. Take every opportunity to better inform the public concerning the department by speaking at public, civic, school and other groups as requested. (Also see PPD 1.23, Public Speaking Policy)
- IV. PROCEDURE:
- A. The department's Public Information Officer serves as the official spokesperson for the department. In addition, the Public Information Officer is responsible for establishing positive relationships with the media, general public and other government and law enforcement agencies.
 - B. The department will issue news releases to the media for public information purposes on issues and events, both positive and negative, impacting the department. The Commissioner shall approve all news releases prior to release. To ensure timely notifications, releases will be faxed or sent via e-mail when possible. Releases shall also be posted on the department's official website. Copies of all releases will be available to anyone requesting them at DOC'S Central Office.

C. Contact Points for Specific Information:

1. Office of the Commissioner: For general information relative to the overall operation of DOC, policies, goals and objectives, human resources and payroll.
2. Warden at NHSP/Men: For issues particular to the New Hampshire State Prison/Men, prison policies or operating procedures.
3. Warden at NH State Prison for Women: For issues particular to the State Prison for Women, policies or operating procedures.
4. Warden at Lakes Region Facility: For issues particular to the Lakes Region Facility, policies, or operating procedures.
5. Warden at Northern New Hampshire Correctional Facility: For issues particular to the Northern New Hampshire Correctional Facility, policies, or operating procedures.
6. Director of Field Services: For information relative to persons under probation/parole supervision, policies and operating procedures.
7. Director of Community Corrections: For information relative to persons housed in halfway houses or minimum security unit, policies and operating procedures.
8. Director of Administration: For information relative to fiscal matters, data processing, contracts, grants, control of Offender Records, property and supplies.
9. The Administrative Director for Medical/Forensic Services: For general information concerning persons confined to the Secure Psychiatric Unit, policies and operating procedures on issues relating to mental health/medical services and evaluations.
10. DOC will be responsible for the distribution of all formally published reports, studies, and statistical and financial data relative to the department. Directors are authorized to provide information that has been published and is generally available (such as data from annual reports, data compiled and reprinted in other publications or material that is already public).
11. Requests for other statistical or aggregate data, including requests for academic research (PPD 1.09, "Research Procedures/Use of Research Findings") not already public must be routed through the Office of the Commissioner for review. If the Office of the Commissioner determines the department can furnish the requested data, it may be collected from information already available or the request may be forwarded to one of the Division Directors for collection. The data collected must be returned to the Office of the Commissioner for forwarding. The Commissioner must know what data is furnished to others so that similar requests will be provided with the same information.

D. Public Access to Records:

1. RSA 91-A (Attachment 1), entitled Access to Public Records and Meetings, is the State's Right-to-Know-Law and makes most, but not all, information in the State agencies' files available to the public with certain limitations.
2. For access to records and limitations under RSA 91-A, employees should refer to PPD 1.40, "Public Records and Public Access to DOC Records".
3. For photocopying fees relevant to public records requests, employees should refer to PPD 7.42, "Photocopying Services".

E. Law Enforcement Access to Records:

1. If information in the files of the department will assist law enforcement agencies in the discharge of their duties relative to the identification or apprehension of offenders, or investigation of crimes, the department and its employees will cooperate to the fullest degree possible.
2. Subject to the applicable privileges recognized by New Hampshire law, information or data in the files of the department will generally be available to law enforcement personnel to review and analyze in their official capacity. Individuals under supervision will be made available to law enforcement officials who want to talk to them relative to their knowledge of offenses under investigation or to gather information. While the department cannot force persons under supervision to respond to law enforcement inquiries or to provide information, it will do whatever it can within the law to facilitate such exchange.
3. Probation/Parole Officers (PPOs) from the Division of Field Services will make their names, office telephone numbers and the State Prison's Control Room telephone number available to law enforcement agencies within their work areas so agencies may call and request their assistance as needed. The names and addresses of persons under supervision who reside in a particular

community or area will be provided to law enforcement agencies in that area on request and, when considered appropriate by the PPO, without waiting for a request.

4. When law enforcement agencies request information from employees of this department and the employee believes the information, or any piece of the information, should be withheld, the employee will notify their supervisor and request instructions. If the supervisor believes the information should be withheld, they must contact the Division Director explaining their reasons and then act on the decision made by the Division Director.
5. When appropriate, employees should ascertain from inquiring law enforcement agencies the nature of the investigation and assure themselves that the information requested is relative to legitimate law enforcement business and is not for personal, business or family use having no connection with law enforcement investigations.
6. Employees are forbidden and prohibited from discussing matters of an official nature with individuals who do not have an official need to know in non-official settings.

F. Media Requests for Information:

1. It is the policy that individual employees of the department will not convey information to media representatives without first informing the Commissioner's office to ensure that the information pertains to official department business or activities. It is important that information be analyzed and presented to the media in an organized way to ensure its accuracy.
2. Employees contacted by members of the media for information must refer the call to the Office of the Commissioner for approval. If the employee contacted is the appropriate individual to provide the requested information, they will be so informed and they may only disseminate information on matters falling within their area of responsibility, and only information that is already of a public nature.
3. Discretion must be used concerning inquiries about individuals under supervision who might be suspect, but have not been charged with a new offense. Staff members must refrain from commenting on any aspect of an ongoing investigation involving a probationer, parolee, prisoner, staff member or departmental activity unless prior authorization has been received from the Commissioner's office.
4. If there is any doubt whether the information requested is available or of a public nature and can be released to the media, the request should be referred to the Public Information Officer.

G. Media Requests for Interviews/Access:

1. INMATES:
DOC permits on-site interviews with individual New Hampshire sentenced inmates. DOC will not allow interviews with inmates who may receive personal financial gain from that interview. The department will not allow interviews with inmates who are currently part of a departmental investigation. Interviews with inmates from other jurisdictions, but being housed by the New Hampshire Department of Corrections, must be approved by the sending jurisdiction. The interview procedure is as follows:
 - a. Each inmate has an approved visiting list with the names of family and friends they desire to have visit them. Since members of the media are not on individual inmate lists, the inmate may request a visit from a member of the media by submitting an inmate request slip to their Unit Manager for approval. The Unit Manager will inform the Warden or Supervisor. If approved, the Unit Manager will advise the Control Room that the visit has been approved. The Warden will inform the Commissioner's Office. Any inmate requests for audio/visual interviews shall require the approval of the Commissioner's office.
 - b. All visits must be scheduled within regular visiting hours for the inmate and will count as one of the two visits per week allowed each inmate. Media who have set up a visit with an inmate should advise the Public Information Officer of the date and time if they wish to bring a notebook, pen, and/or audio/visual equipment into the visiting room or a location designated by the Warden. Visits by media representatives will be subject to all regulations and policies of the department applicable to visitors from the general public.
 - c. To facilitate media access to inmates, a message may be left with the Public Information Officer requesting an inmate to call a specific media contact collect. The Public Information

- Officer will relay the request to the appropriate Warden's Office who will ensure the inmate is notified of the request. A copy of the message is placed in the inmate's Offender Record file.
- d. Written requests received from media for on-site interviews with individual inmates must be addressed to the Office of the Commissioner. A copy of the request will be forwarded to the appropriate Warden's Office who will ensure the inmate receives it and the inmate agrees in writing to it. A copy of the written request and inmate's consent is placed in the inmate's Offender Record file (See Attachment 2). A copy of the signed consent form is returned to the Public Information Officer. The department may request a criminal background check on all media representatives prior to approving an on-site interview.
 - e. Visual and/or sound recordings will be permitted with the signed permission of the inmate but must be authorized with a minimum of 24 hours notice. These visual/sound-recording interviews will be conducted in an area pre-designated by the Warden of the institution. All video/sound recording equipment entering a facility is subject to search procedures per PPD 7.09, "Visiting Policy".
 - f. Video recordings or photographs are not allowed on the grounds or in areas of the facility that are deemed by the Warden to be high security areas.
 - g. Media interviews are voluntary. Should the inmate refuse to discuss any issues with the media there will be no negative treatment or perception related to such refusal.
 - h. If an inmate declines a media interview request, the requestor will be required to wait a minimum of three months before requesting another interview with the inmate.
2. PROBATIONERS/PAROLEES: Probationers/parolees are at liberty to contact the media and engage in interviews. These individuals may either initiate the contact or media representatives may contact the supervising PPO requesting such an interview. When a supervising PPO is contacted to request an interview with an individual under supervision, they should advise the subject of the request and allow them to decide whether to participate. However, the supervising PPO should refrain from discussing any details of the subject's file except for the information that is already of a public nature. The supervising PPO shall inform the Office of the Commissioner of any media interview requests.
 3. SECURE PSYCHIATRIC UNIT RESIDENTS: DOC permits on-site interviews with individual residents providing the request is made in writing, and the interview is not contraindicated by the Treatment Team based on the resident's clinical condition, and providing the media representative gains access to the Unit through the usual visitation mechanism. All written requests for on-site interviews with residents should be addressed to the Office of the Commissioner. A copy of the request will be forwarded to the Administrative Director of Medical/Forensic Services, who will ensure the resident is notified. The resident must consent writing. A copy of the written request and resident's consent is placed in the resident's file. Visits by media representatives will be subject to all regulations and policies applicable to visitors at the Secure Psychiatric Unit. VISUAL AND/OR SOUND RECORDINGS ARE NOT BE PERMITTED DURING ON-SITE INTERVIEWS IN THE SECURE PSYCHIATRIC UNIT. However, to facilitate media access to residents, a message may be left with the Public Information Officer requesting a resident to call a specific media contact collect. The request will be relayed to the Administrative Director of Medical/Forensic Services office, which will ensure the resident is notified. A copy of the message will be placed in the resident's file.
 4. STAFF MEMBERS: Staff members receiving media requests to be interviewed in their official capacity must obtain approval from the Office of the Commissioner prior to granting the interview and then should only comment or discuss their area of responsibility.
 - a. Departmental staff will inform their supervisor and the Commissioner's office of any events that may attract public and/or news interest (PPD 5.07, "Notification of Incidents and/or Events").
 - b. Departmental staff cannot accept compensation for on duty news media interviews.
- H. Access to Institutions or Facilities of the Department of Corrections:
1. Any person who seeks access to the department's facilities for the purpose of gathering information or data must apply to the Commissioner of Corrections for approval. Access may be granted to a person engaged in gathering information or data on Corrections in the course of legitimate research

activity (PPD 1.09, “Research Procedures/Use of Research Findings”); any person employed to gather information or data; and educational or informal tours sponsored by a recognized school or college or other approved agency.

2. Any person approved for access shall agree to abide by all rules and regulations of the facility and the department and any conditions or restrictions imposed necessary to ensure the security and good order of the facility. Access may be rescinded or denied by the Commissioner to anyone whose presence, in his opinion, would likely jeopardize the security or good order of the facility.
3. No visual and/or sound recordings will be made of identifiable inmates or staff without first obtaining a written consent form from that individual (Attachment 2).
4. All tours by public and media representatives are subject to the general rules of the facility and may be terminated at any time if the person in charge of the facility or their representative believes that the order or safety of the facility is jeopardized or if the general rules and regulations have been violated (also see PPD 1.08 “Tours of Departmental Facilities”).

I. Media Access to Departmental Facilities During Emergency Situations:

1. In the event of an emergency situation at one of the department's facilities, media representatives will be afforded every opportunity to cover the situation. When possible, a location away from the immediate area of the emergency but on the grounds close enough so the media can receive and report up-to-date information, will be designated by the Commissioner as the press area.
2. The Public Information Officer will brief the press periodically, providing them with up-to-date information. The Commissioner may additionally designate other departmental employees, if necessary, to provide updated information. Staff members in their official capacity will not provide the media with information, either directly or indirectly, since it is important that the information provided be accurate, timely and cleared so as not to further jeopardize the emergency situation. Media will not be permitted outside the designated press area without the express approval of the Commissioner. Once the emergency situation has been resolved and the security and good order of the facility has been secured, the department will attempt to facilitate requests by the media to view the area of the emergency for damages, etc. If the number of media representatives precludes all members viewing the area, a representative from each area (radio, newspaper, and television), chosen by their peers, will serve to report back to other members of the media.

J. Employee Participation in Public Hearings and Meetings:

Employees who are requested by public or legislative groups to participate or make statements in their official capacity relative to departmental policies, rules, regulations and practices, or matters that might otherwise affect departmental responsibilities, will clear the contents of their presentation with their Division Director prior to appearing or offering such testimony. This applies to public speaking engagements at civic or service organizations and similar undertakings.

REFERENCES:

Standards for the Administration of Correctional Agencies

Second Edition. Standards

2-CO-1A-14; 2-CO-1A-25 thru 27-1; 2-CO-3C-01

Standards for Adult Correctional Institutions

Fourth Edition. Standards

4-4020 thru 4-4022, 4-4279

Standards for Adult Community Residential Services

Fourth Edition. Standards

4-ACRS-7F-01 thru 7F-03

Standards for Adult Probation and Parole Field Services

Third Edition. Standards

3-3027 thru 3-3029

Other

(Administrative Rules) PART Cor 305

Access of Visitors to Institutions and facilities of the Department of Corrections

LYONS/pf
Attachments

CHAPTER 91-A

ACCESS TO PUBLIC RECORDS AND MEETINGS

91-A:1	Preamble	91-A:5	Exemptions
91-A:1-a	Definition of Public Proceedings.	91-A:6	Employment Security
91-A:2	Meetings Open to Public.	91-A:7	Violation
91-A:4	Minutes and Records Available for Public Inspection	91-A:8	Remedies

HISTORY

Amendments - 1986. 1986.. 83:1, eff. Jan. 1, 1987, added 'and meetings' following "records" in the chapter heading

CROSS REFERENCE

Accountability of government officers; public's right to know, see New Hampshire Constitution. Part 1, Article 8.

ANNOTATIONS

1. Purpose

This chapter was intended to increase public access to govern mental proceedings in order to augment popular control of government and encourage administrative agency responsibility. Society for Protection of N.H. Forests v. Water Supply and Pollution Control Commission (1975) 115 NH 192, 337 A2d 788.

Main purpose of this chapter is based upon theory that public knowledge of the considerations upon which governmental action is based and of the decisions taken is essential to the democratic process. Carter v. City of Nashua (1973) 113 NH 407, 308 A2s 847. Cited

Cited in State v. LaFrance (1983) 124, NH 171, 471 A2d 340.

LIBRARY REFERENCES

New Hampshire Practice

5 N.H.P. Civil Practice & Procedures § 2071.

New Hampshire Bar Journal

New Hampshire Right to Know Law, 20 N.H.B.J. 98 (March 1979)

The New Hampshire Right to Know Law - An Analysis, 16 N.H.B.J. 227 (March 1975). West Key Number

Records ⇔ 30 et seq. CJS

Records §§ 34, 35, 38

ALR

Nature and extent of privilege accorded

public statements, relating to subject of legislative business or concern made by member of state or local legislature or council outside of formal proceedings. 41 ALR4th 1116.

Validity, construction, and application of statutes making public proceedings open to the public 38 ALR3d 1070.

Validity, construction and application of Statutory provisions relating to public access to police records. 82 ALR3d 19.

What constitutes preliminary drafts or notes provided by or for state or local governmental agency or intra-agency memorandums, exempt from disclosure or inspection under state freedom of information acts 26 ALR4th 639.

STATE OF NEW HAMPSHIRE, DEPARTMENT OF CORRECTIONS
William Wrenn, Commissioner



OFFENDER CONSENT TO CONTACT WITH NEWS MEDIA

PLEASE PRINT:

Date _____

Inmate Name, ID _____

Facility Name _____

Name or Media Representative _____

Name of Organization _____

Media Phone Number _____

(1) _____ I, the above named inmate, do not wish the media to contact me at this time.

(2) I, the above named inmate, do hereby freely give permission to the above named news media representative to contact me for the following purpose(s).

- ☐ Interview
- ☐ Photographs
- ☐ Videotape recording
- ☐ Audio recording
- ☐ All of the Above

I do hereby authorize the news organization represented by the above named person to use any information gathered about me during this contact for any legitimate purpose. I further authorize the Facility and the agency and their authorized representatives to release to the representatives of the above named organization any documents or information relating to allegations or comments made by me during this interview.

Inmate signature

Staff Witness Signature:

Date: